



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

April 3, 1998

Mr. Mark E. Dempsey  
Assistant City Attorney  
City of Garland  
P.O. Box 469002  
Garland, Texas 75046-9002

OR98-0858

Dear Mr. Dempsey:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 114575.

The City of Garland (the "city") received a request for two items of information. The city seeks to withhold from required public disclosure the second item requested, "a copy of a MDC regional hit for the listed traffic stop in item #1 (1989 Mercury Tracer) occurring [sic] at about 8:50 pm that led to the arrest of Christian Daun."<sup>1</sup> You assert that the requested information is excepted from required public disclosure under section 552.108 of the Government Code.

You state that the information at issue was obtained from National Crime Information Center and Texas Crime Information Center computers. Section 552.108 of the Government Code reads in relevant part as follows:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime.

---

<sup>1</sup>We assume the city has or will release the first requested item to the requestor, if it exists.

You inform us the information relates to a case pending in Dallas County Criminal Court Number 2 as cause Number MB98-22160. We therefore believe you have established that the release of the information would interfere with the prosecution of that pending case. Accordingly, the city may withhold the requested information from the requestor based on section 552.108(a)(1) of the Government Code.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Hastings  
Assistant Attorney General  
Open Records Division

KHH/rho

Ref: ID# 114575

Enclosures: Submitted documents

cc: Mr. Phillip Wainscott  
714 Jackson Street, #900  
Dallas, Texas 75202  
(w/o enclosures)